

REPORT

OF THE

JUDGES

OF THE

SUPREME COURT

OF

PENNSYLVANIA,

OF THE

ENGLISH STATUTES

WHICH ARE IN FORCE IN THE COMMONWEALTH OF
PENNSYLVANIA; AND OF THOSE OF THE SAID
STATUTES WHICH, IN THEIR OPINION, OUGHT
TO BE INCORPORATED INTO THE STATUTE
LAW OF THE SAID COMMONWEALTH.

LANCASTER,

PRINTED BY WM. DICKSON, NORTH QUEENSTREET.

1809.

THE BIBLE

AND

THE

NEW TESTAMENT

AND

THE

OLD TESTAMENT

AND

THE

NEW TESTAMENT

AND

THE

NEW TESTAMENT

Philadelphia, Dec. 15, 1808.

SIR,

I have the Honor of transmitting to you, herewith, the Report of the Judges of the Supreme Court, on the Subject of the English Statutes; which I beg the Favor of your presenting to the Senate.

I am, Sir,

With great Respect,

Your obedient Servant.

WM. TILGHMAN.

Hon. PRESLY CAR LANE,

Speaker of the Senate.

THE UNIVERSITY OF CHICAGO

LIBRARY

*To the honorable the Senate, and House of Representatives,
of the Commonwealth of Pennsylvania.*

THE undersigned, Judges of the Supreme Court of the said Commonwealth, respectfully submit their Report, of the English Statutes which are in Force in the said Commonwealth; and those of the said Statutes, which, in their Opinion, ought to be incorporated into the Statute Laws of the said Commonwealth.

They have taken the liberty, at the same time, of submitting a few preliminary Observations, connected with the Subject of the Report, and tending to explain the Principles which have governed them, in the Execution of the Trust which the Legislature have been pleased to confide in them.

The Subject is divided into two Branches. 1st. The ascertaining of such English Statutes as are in force in this Commonwealth. 2d. The opinion of the Judges, which of the Statutes, so in force, are proper to be incorporated into the Statute Laws of the Commonwealth.

In order to accomplish the first part of the Subject, it was necessary to begin with the Consideration of the present Constitution of the Commonwealth. It contains nothing particular, as to the point in question. There is a general Provision, that all Laws of this Commonwealth, in force at that time, and not inconsistent with the said Constitution, and all Rights, &c. should continue, as if the said Alterations and Amendments had not been made. The Question still remained unanswered, What Laws were in force? It appeared, upon tracing the Matter further back, that an Act was passed on the 28th January, 1777, entitled, "An act to revive and put in Force, such and so much of the State Laws of the Province of Pennsylvania, as is judged necessary to be in Force in this Commonwealth." In this Act it is provided, that the Common Law, and such of the Statute Laws of England, as have been heretofore in force in the said Province, shall be in force, except

as is hereafter excepted. The Exception relates to the Oath of Allegiance to the King of Greatbritain, the Acknowledgment of any authority in the Heirs of *William Penn*, the first Proprietary, the Laws ascertaining the number of Members of Assembly in any County, the time of Election, and Qualification of Electors, the English Statutes relating to Treason or Misprision of Treason, and such Laws or Acts of Assembly as declared, ordered, or directed any thing inconsistent with the then existing Constitution of the Commonwealth.

Still the point remained open : What English Statutes were in force in Pennsylvania. It become necessary, therefore, to mount up to the first Sources of Information, the Charter granted to William Penn, and the general Principles of Colonization.

It is provided, by the Charter, That the Laws for the regulating and governing of Property, as well for the Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattles ; and likewise as to Felonies, within the said Province ; shall be and continue the same as they shall be, for the time being, by the general course of the Law in the Kingdom of England ; until the said Law shall be altered by the said William Penn, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater part of them.

Notwithstanding the generality of these Expressions, it has always been held, that many of the English Laws, relating both to Property and to Felonies, would have been improper for the state of things in an infant Colony ; and accordingly they were never practically extended here. It is the true Principle of Colonization, that the Emigrants from the Mother Country carry with them such Laws, as are useful in ther new Situation, and none other.

A multitude of English Statutes, relating to the Kings Prerogative, the Rights and Privileges of the Nobility and Clergy, the local Commerce and Revenue of England, and other Subjects unnecessary to enumerate, were improper to be extended to Pennsylvania. In order to execute the Duty required of them, it was necessary for the Judges to examine the Code of English

Statute Law, from the beginning to the time of the Settlement of Pennsylvania, and to weigh, deliberately, which of them were proper to be adopted

But this was not all—it was essential that our own Statute Book should be examined, to see in what cases the English Law had been altered, or in what cases it had been expressly extended here. Wherever our own Legislature had enacted a Law, on the same Subject on which an English Statute was to be found, it has been supposed, that the English Statute had no force here, even though it contained more extensive Provisions than our own Act of Assembly; because it was reasonable to presume, that our Assembly were acquainted with the English Statute, and designedly omitted some of its Provisions.

Besides these Inquiries, it was necessary to ascertain, what had been the Decisions of our own Courts, respecting the extension of English Statutes. This was no easy Task, as we have no printed Reports, prior to our Revolution, of Cases determined in our Courts of Justice. Of course, these Decisions are only to be known by Tradition, or manuscript Notes in the possession of Gentlemen of the Bar, or the Judges.

With respect to English Statutes, enacted since the Settlement of Pennsylvania, it has been assumed, as a Principle, that they do not extend here; unless they have been recognised by our Acts of Assembly, or adopted by long-continued Practice in Courts of Justice. Of the latter Description, there are very few; and those, it is supposed, were introduced from a Sense of their evident Utility. As English Statutes, they had no obligatory Force: But, from long Practice, they may be considered as incorporated with the Law of our Country.

Having endeavored to ascertain the English Statutes which were in Force, the Judges proceeded to the second part of the Subject; the Consideration of which of these Statutes were proper to be incorporated with our own Law. They felt, that this part of their Task, though very honorable, was very arduous: And, in executing it, they have thought themselves bound to proceed with great Caution. In Works which consist in

the Alteration of long-established Usages, it is safer to do too little, than too much. The most experienced Builder, cannot always calculate the exact effect of removing a stone. If further Alterations should be necessary, it is always competent to the Legislature to make them. It will be found by the Report, that, in a number of Cases, the Repeal of English Statutes is recommended. In a number of others, which appeared doubtful, it was thought best to leave them for further Experience.

In perusing the Statutes referred to in the Report, the Legislature will perceive, that, in many of them, the Language is uncouth and unsuited to our present form of Government. In many of them, too, they will find here and there a Sentence, not properly applicable to any other Country than England. There is no other way of curing these Defects, than by re-enacting the Substance of these Statutes, in Language suitable to our present Condition; which might be attended with the additional Advantage, of simplifying the Statute Law, by reducing into one, several Acts passed on the same Subject. This would be a Work of Labor. Something of the kind has been done, in the States of Virginia, and Newyork: But, it is believed, that several years were employed in the performance.

From the outline which has been drawn, the Legislature will easily perceive the Difficulties attending the Report now presented to them; and their Candor will induce them to bear in Mind, that it has been executed during the short Intervals of official Occupation. The Judges dare not flatter themselves, that the performance approaches to Perfection. They trust, however, that it will not be found more defective, than might reasonably be expected.

WM. TILGHMAN,
J. YEATES,
THOMAS SMITH,
H. H. BRACKENRIDGE.

Dec. 14, 1808.

REPORT

OF THE

JUDGES

OF THE

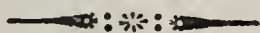
Supreme Court of Pennsylvania,

OF THE

ENGLISH STATUTES

Which are in Force in the Commonwealth of Pennsylvania; and of those of the said Statutes which, in their Opinion, ought to be incorporated into the Statute Law of the said Commonwealth.

N. B. *Ruffhead's* Edition of the English Statutes at large, is referred to in this Report. The Opinion of the Judges is expressed under the Title of each Statute, whether or not the same ought to be incorporated.



Book & Page. Year & Reign.

Titles of the Statutes.

1 Ruffhead 3	9 Henry 3 Chap. 7	“ A Widow shall have her Marriage-inheritance and Quarantine.” That part only of this Statute is in Force, which provides, that a Widow shall tarry in the chief House of her Husband, 40 days after her Husband's Death; within which days her Dower shall be assigned her. To be incorporated.
id. 9	9 Henry 3 Chap. 34	“ In what only case a Woman shall have an Appeal of Death.” Not to be incorporated.
id. 16	20 Henry 3 Chap. 1	“ A Woman shall recover Damages, in a Writ of Dower.” To be incorporated.

<i>Book & Page.</i>	<i>Year & Reign.</i>	<i>Titles of the Statutes.</i>
1 Ruffhead 16	20 Henry 3 Chap. 2	"Widows may bequeath the Crop of their Lands." To be incorporated.
id. 16	20 Henry 3 Chap. 3	"Enquiry and Punishment of Redisseisin." To be incorporated.
id. 19	20 Henry 3 Chap. 9	"He is a Bastard, that is born before the Marriage of his Parents." To be incorporated.
id. 20	21 Henry 3	"The Day of the Leap-year, and the Day before, shall be holden for one Day." To be incorporated.
id. 31	52 Henry 3 Chap. 4	"A Distress shall not be driven out of the County, and it shall be reasonable." To be incorporated.
id. 35	52 Henry 3 Chap. 8	"The Punishment of those who commit Redisseisin." To be incorporated.
id. 35	52 Henry 3 Chap. 13	"After Issue joined, there shall be but one Effoin or one Default." Not to be incorporated.
id. 37	52 Henry 3 Chap. 17	"The Authority and Duty of Guardian in Socage." To be incorporated.
id. 36	52 Henry 3 Chap. 15	"In what places Distresses shall not be taken." To be incorporated.
id. 39	52 Henry 3 Chap. 29	"In what case a Writ of Entry, sur Disseisin in the Post, doth lie." To be incorporated.
id. 43	3 Edward 1 Chap. 9	"All Men shall be ready to pursue Felons." That part only of this Statute is in Force, which provides that "all, generally, shall be ready, at the Commandment and Sum- mons of Sheriffs, and at the Cry of the Country, to pursue and arrest Felons, where any need is." To be incorporated.
id. 54	3 Edward 1 Chap. 40	"Voucher to Warranty, and counter- pleading of Voucher." To be incorporated.

<i>Book & Page.</i>	<i>Year & Reign.</i>	<i>Titles of the Statutes.</i>
1 Ruffhead 56	3 Edward 1 Chap. 42	“ Certain Actions, wherein, after Appearance, the Tenant shall not be effoined.” Not to be incorporated.
id. 56	3 Edward 1 Chap. 43	“ There shall be no Fourcher by Effoin.” Not to be incorporated.
id. 56	3 Edward 1 Chap. 44	“ In what case, Effoin ultra mare, shall not be allowed.” Not to be incorporated.
id. 57	3 Edward 1 Chap. 47	“ In what case, the Nonage of the Heir of the Disseisor, or Disseisee, shall not prejudice.” The whole of this Statute is in Force, except those parts which relate to Prelates, Men of Religion, and Writs of Attaint. To be incorporated.
id. 58	3 Edward 1 Chap. 49	“ The Tenant's Plea, in a Writ of Dower.” To be incorporated.
id. 60	4 Edward 1 Stat. 2	“ Concerning the Duty of a Coroner.” This Statute is in Force, except those parts which relate to the Coroner's Duty, in the following points, <i>viz.</i> Making Enquiry as to the property of any Person, or seizing the property of any Person; Treasure that is found; Appeal of Rape, or of Wounds, or any other Appeals; Deodands, and Wrecks of the Sea: And also, except that part which provides, that Land shall remain in the King's hands, until the Lords of the Fee have made Fine for it. To be incorporated.
id. 65	6 Edward 1 Chap. 1	“ Several Actions, wherein Damages shall be recovered.” To be incorporated.
id. 65	6 Edward 1 Chap. 2	“ In what case the Nonage of the Plaintiff shall not stay an Enquest.” To be incorporated.
id. 65	6 Edward 1 Chap. 3	“ An Alienation of Land by the Tenant, by the Curtesy with Warranty, shall be void.” To be incorporated.
id. 66	6 Edward 1 Chap. 5	“ Several Tenants, against whom an Action of Waste is maintainable.”

Book & Page. Year & Reign.

Titles of the Statutes.

i Ruffhead 66	6 Edward I Chap. 5	The whole of this Statute is in Force, except that part which relates to Waste in the time of Wardship; which is not applicable to this Country. To be incorporated.
id. 66	6 Edward I Chap. 6	“ Where divers Heirs shall have one Assize of Mort D’ Ancestor.” To be incorporated.
id. 68	6 Edward I Chap. 10	“ The Husband and Wife, being impleaded, shall not fourch by Effoin.” Not to be incorporated.
id. 69	6 Edward I Chap. 13	“ No Waste shall be made, hanging a Suit for the Land.” To be incorporated.
id. 78	13 Edward I Stat. 1 C. 1	“ In Gifts in Tail, the Donor’s Will shall be observed. The Form of a Formedon.” This Statute is in Force, except such part as has been altered by an Act of Assembly, passed 27th January, 1749 (Old Style) entitled, “ An Act for barring Estates Tail;” and another Act, passed 16th January, 1799, entitled, “ An Act to facilitate the barring of Entails.” To be incorporated.
id. 81	13 Edward I Stat. 1 C. 3	“ A Cui in vita for the Wife. When a Wife, or he in Reversion shall be received.” To be incorporated.
id. 83	13 Edward I Stat. 1 C. 4	“ Where the Wife shall be endowable of Lands recovered against her Husband. Where the Heir may avoid a Dower recovered. A Remedy for particular Tenants losing by Default.” This Statute is in Force, except that part which relates to Proceedings in a Writ of Right. To be incorporated.
id. 86	13 Edward I Stat. 1 C. 6	“ The Penalty, if a Tenant impleaded voucheth, and the Vouchee denieth his Warranty.” To be incorporated.
id. 86	13 Edward I Stat. 1 C. 7	“ Admeasurement of Dower, for the Guardian and the Heir, and the Process therein.” To be incorporated.

<i>Book & Page. Year & Reign.</i>	<i>Titles of the Statutes.</i>
1 Ruffhead 13 Edward 1 90 Stat. 1 C. 11	"The Masters' Remedy against their Servants, and other Accountants." To be incorporated.
id. 91 13 Edward 1 Stat. 1 C. 12	"The Appellant being acquitted, the Appellor and Abettors shall be punished. There shall be no Effoin for the Appellor." Not to be incorporated.
id. 92 13 Edward 1 Stat. 1 C. 14	"The Proceſs in an Action of Waſte. A Writ to enquire of Waſte." To be incorporated.
id. 92 13 Edward 1 Stat. 1 C. 15	"An Infant eloined may ſue by Prochein Amy." To be incorporated.
id. 93 13 Edward 8 Stat. 1 C. 17	"In what caſe Effoin de malo lecti doth lie, and where not." Not to be incorporated.
id. 94 13 Edward 1 Stat. 1 C. 20	"The Tenant's Answer, in a Writ of Coſinage, Aiel, or Beſaiel." To be incorporated.
id. 94 13 Edward 1 Stat. 1 C. 22	"Waſte maintainable by one Tenant in common againſt another." To be incorporated.
id. 95 13 Edward 1 Stat. 1 C. 23	"Executors may have a Writ of Account." To be incorporated.
id. 95 13 Edward 1 Stat. 1 C. 24	"A Writ of Nuſance of a Houſe, &c. levied and aliened to another. A Quod permittat, and Juris utrum, for a Parſon of a Church. In like Caſes, like Writs be grantable." This Statute is in Force, except thoſe parts which relate to Eccleſiaſtical Perſons. To be incorporated.
id. 95 13 Edward 1 Stat. 1 C. 25	"Of what things an Affize ſhall lie. Certificate of Affize. Attachment in an Affize." This Statute is in Force, except that part which gives the Remedy by Affize in caſes of keeping of Parks, Woods, Foreſts, Chaſes, Warrens, Gates, and other Bailiwicks and Offices, in Fee. Alſo that part which gives an immediate Remedy by Affize, in caſe any Perſon holding Land, for Term of

*Book & Page. Year & Reign.**Titles of the Statutes.*

- 1 Ruffhead 13 Edward 1 years, aliens the same in Fee; and by such
95 Stat. 1 C. 25 Alienation the Freehold is transferred to the
Feoffee. Also, that part which authorizes
the Sheriff to take an Ox for his Fee.
To be incorporated.
-
- id. 97 13 Edward 1 "Who may bring a Writ of Redisseisin;
Stat. 1 C. 26 and the Punishment of the Offender therein."
To be incorporated.
-
- id. 97 13 Edward 1 "Effoin after Inquest, but none after day
Stat. 1 C. 27 given Prece Partium."
Not to be incorporated.
-
- di. 98 13 Edward 1 "The authority of Justices of Nisi Prius.
Stat. 1 C. 30 Adjournment of Suits. Certain Writs that
be determinable in their proper Counties. A
Jury may give their Verdict at large. None
but which were summoned shall be put in
Affizes or Juries."
The following parts only of this Statute
are in Force:
Sect. 3, And when such Inquests be taken,
they shall be returned into the Bench; and
there shall Judgment be given, and there
they shall be inrolled. The Justices of Nisi
Prius shall have Clerks, to inrol all Pleas
pleaded before them. The said Justices shall
not compel the Jurors to say precisely, whe-
ther it be a Disseisin or not; so that they
show the Truth of the Deed, and require
Aid of the said Justices. But if they, of
their own Head, will say that it is a Disseisin,
their Verdict shall be admitted at their own
Peril.
To be incorporated.
-
- id. 99 13 Edward 1 "An Exception to a Plea shall be sealed
Stat. 1 C. 31 by the Justices."
To be incorporated.
-
- id. 101 13 Edward 1 "It is Felony to commit a Rape. A mar-
Stat. 1 C. 34 ried Woman elopeth with an Avowterer.
The Penalty of carrying a Nun from her
House."
That part only of this Statute is in Force,
which enacts, that, "if a Wife willingly
leave her Husband, and go away and conti-
nue with her Avowterer, she shall be barred
forever of Action to demand her Dower,
that she ought to have of her Husband's

<i>Book & Page.</i>	<i>Year & Reign.</i>	<i>Titles of the Statutes.</i>
1 Ruffhead 101	13 Edward 1 Stat. 1 C. 34	Lands, if she be convict thereupon; except that her Husband willingly reconcile her, and suffer her to dwell with him; in which case, she shall be restored to her Action. To be incorporated.
id. 104	13 Edward 1 Stat. 1 C. 39	“ The manner to deliver Writs to the Sheriff to be executed. The Sheriff returneth “ a Liberty,” when none is. Returning of Issues. Resistance of Execution of Process.” Those parts only of this Statute are in Force, which define “ what shall be accounted Issues;” direct the Punishment of the Sheriff, for false Returns; give Authority to the Sheriff to do certain things, in case of Resistance of the Execution of Process; and direct the Punishment of those who resist the Execution of Process. To be incorporated.
id. 106	13 Edward 1 Stat. 1 C. 40	“ A Woman’s Suit shall not be deferred, by the Minority of the Heir.” To be incorporated.
id. 109	13 Edward 1 Stat. 1 C. 54	“ The Process of Execution of things recorded within the year, or after.” To be incorporated.
id. 123	18 Edward 1 Stat. 2	“ Statute of Quo Warranto.” To be incorporated.
id. 123	18 Edward 1 Stat. 3	“ Another new Statute of Quo Warranto.” To be incorporated.
id. 124	18 Edward 1 Stat. 4	“ The manner of levying Fines,” To be incorporated.
id. 125	20 Edward 1 Stat. 1	“ The Statute of Vouchers.” To be incorporated.
id. 126	20 Edward 1 Stat. 2	“ A Statute of Waste.” To be incorporated.
id. 127	20 Edward 1 Stat. 3	“ Statute de Defensione Juris.” To be incorporated.
id. 134	27 Edward 1 Stat. 1 C. 1	Statute “ De Finibus levatis.” To be incorporated.
id. 139	28 Edward 1 Stat. 2	“ A Statute for Persons appealed.” Not to be incorporated.

<i>Book & Page. Year & Reign.</i>	<i>Titles of the Statutes.</i>
1 Ruffhead 28 Edward 1 145 Stat. 1. C. 16	"What shall be done with them that make false Returns." To be incorporated.
id. 149 33 Edward 1 Stat. 2	"Who be Conspirators, and who be Champertors." That part only of this Statute is in Force, which relates to "Conspirators;" and from that part is to be excepted, what relates to "Stewards and Bailiffs of Great Lords." To be incorporated.
id. 150 33 Edward 1 Stat. 3	"The Statute of Champerty." That part only of this Statute is in Force, which relates to Conspirators. To be incorporated,
id. 151 33 Edward 1 Stat. 4	"An Ordinance for Inquests." To be incorporated.
id. 152 33 Edward 1 Stat. 6	"An Ordinance for measuring of Land." To be incorporated.
id. 153 34 Edward 1 Stat. 1	"The Statute de conjunction Feoffatis." This Statute is in Force, except those parts which relate to Writs of "Juris utrum," and "Indicavit." To be incorporated.
id. 174 12 Edward 2 Stat. 1 C. 1	"Tenants in Assize of Novel Disseisin may make Attorneys." To be incorporated.
id. 175 12 Edward 2 Stat. 1 C. 4	"Justices of Nisi Prius shall record Non-suits, Defaults, &c." Only those parts of this Statute are in Force, which are distinguished by the Numbers 1, 2, and 6. To be incorporated.
id. 175 12 Edward 2 Stat. 1 C. 5	"An Indenture shall be made, between the Sheriff and Bailiff of Liberty, of every Return." That part only of this Statute is in Force, which obliges Sheriffs, and other Officers, to sign their Names to the Return of Writs. To be incorporated.
id. 177 12 Edward 2 Stat. 2	"The Statute of Effoins." Not to be incorporated.

<i>Book & Page. Year & Reign.</i>	<i>Titles of the Statutes.</i>
1 Ruffhead 15 Edward 2 178	“ A Statute concerning Fines.” This Statute is in Force, except that part which relates to “ the Admission of Attorneys.” To be incorporated.
id. 201 2 Edward 3 Chap. 16	“ Nisi Prius may be granted, as well at the Tenant’s Suit as at the Demandant’s.” To be incorporated.
id. 201 2 Edward 3 Chap. 17	“ A Writ of Deceit shall be maintainable, in case of Garnishment, in Plea of Land.” To be incorporated.
id. 202 4 Edward 3 Chap. 2	“ The Authority of Justices of Assize, Goal-delivery, and of the Peace.” Only those parts of this Statute are in Force, which are distinguished by the Num- bers 6 and 7. To be incorporated.
id. 203 4 Edward 3 Chap. 7	“ Executors shall have an Action of Tres- pafs, for a Wrong done to their Testator.” To be incorporated.
id. 210 5 Edward 3 Chap. 10	“ The Punishment of a Juror that is am- bidexter, and taketh Money.” To be incorporated.
id. 224 14 Edward 3 Stat. 1 C. 6	“ A Record which is defective, by Mis- prision of a Clerk, shall be amended.” To be incorporated.
id. 229 14 Edward 3 Stat. 1 C. 16	“ Before what Persons Nisi Prius may be granted.” That part only of this Statute is in Force, which enacts, that “ the Justices of Nisi Prius shall have Power to give Judgment on Verdicts of Assize; and upon Nonuits and Defaults; and return the same to the Court in Bank.” To be incorporated.
id. 230 14 Edward 3 Stat. 1 C. 18	“ If the Tenant will vouch to warranty a dead Man, the Demandant may aver that he is dead.” To be incorporated.
id. 254 25 Edward 3 Stat. 2	“ Of those that be beyond Sea.” Only that part of this Statute is in Force, which is distinguished by the Number 5. To be incorporated.

*Book & Page. Year & Reign.**Titles of the Statutes.*

1 Ruffhead 262	25 Edward 3 Stat. 5 C. 3	"No Indictor shall be put upon the Inquest of the Party indicted." To be incorporated.
id. 263	25 Edward 3 Stat. 5 C. 5	"Executors of Executors shall have the Benefit and Charge of the first Testator." To be incorporated.
id. 266	25 Edward 3 Stat. 5 C. 16	"The Exception of non-tenure of parcel, shall not abate the whole Writ." To be incorporated.
id. 288	28 Edward 3 Chap. 13	"The Warranty of Packing of Wool shall be put out. An Inquest shall be de mediata lingua, where an Alien is Party." That part only of this Statute is in Force, which gives an Inquest de medietate linguæ. Not to be incorporated.
id. 293	31 Edward 3 Stat. 1 C. 11	"To whom the Ordinary may commit the Administration of the Goods of him that dieth intestate. The Benefit and Charge of an Administrator." This Statute is in Force, except that part which relates to expending Money for the Soul of the Deceased. To be incorporated.
id. 299	34 Edward 3 Chap. 1	"What sort of Persons shall be Justices of Peace, and what Authority they shall have." Those parts only of this Statute are in Force, which are distinguished by the Numbers 2, 3, 4, 5, 6, and 10. To be incorporated.
id. 301	34 Edward 3 Chap. 8	"The Penalty of a Juror taking Reward to give his Verdict." To be incorporated.
id. 303	34 Edward 3 Chap. 16	"Nonclaim of Fines shall be hereafter no Bar." To be incorporated.
id. 320	38 Edward 3 Stat. 1 C. 12	"The Punishment of a Juror taking Reward to give Verdict, and of Embracers." To be incorporated.
id. 332	50 Edward 3 Chap. 6	"Fraudulent Assurances of Land or Goods, to deceive Creditors, shall be void." To be incorporated.

Book & Page. Year & Reign.

Titles of the Statutes.

- | | | |
|-------------------|-------------------------------|---|
| 1 Ruffhead
336 | 1 Richard 2
Chap. 9 | <p>“A Feoffment of Lands, or Gift of Goods, for Maintenance, shall be void. An Assize is maintainable against the Fernor of the Profits of Land.”</p> <p>This Statute is in Force, except such parts as are altered by the Statutes of 4th of Henry 4th, Chap. 7; 11th of Henry 6th, Chap. 3; 4th of Henry 7th, Chap. 24; and 27th of Henry 8th, Chap. 10.</p> <p>To be incorporated.</p> |
| id. 337 | 1 Richard 2
Chap. 12 | <p>“A Prisoner by Judgment shall not be let at large. Confession of a Debt to the King, to delay another’s Execution.”</p> <p>This Statute is in Force, except such parts as relate to Confessions of Debts to the King.</p> <p>To be incorporated.</p> |
| id. 359 | 6 Richard 2
Stat. 1 C. 3 | <p>“In which Courts Writs of Nufance, called Vicontiels, shall be pursued.”</p> <p>So much of this Statute is in Force, as gives the Plaintiff an Election to have a Writ of Nufance, in nature of an Assize.</p> <p>To be incorporated.</p> |
| id. 371 | 8 Richard 2
Chap. 4 | <p>“The Penalty, if a Judge or Clerk make a false Entry, raise a Roll, or change a Verdict.”</p> <p>To be incorporated.</p> |
| id. 372 | 9 Richard 2
Chap. 3 | <p>“A Writ of Error or Attaint, maintainable by him in Reversion.”</p> <p>So much only of this Statute is in Force, as gives a Writ of Error to him in Reversion.</p> <p>To be incorporated.</p> |
| id. 390 | 13 Richard 2
Stat. 1 C. 17 | <p>“Where he in the Reversion may be received, in a Suit commenced against the particular Tenant.”</p> <p>To be incorporated.</p> |
| id. 400 | 15 Richard 2
Chap. 2 | <p>“The Duty of Justices of Peace, when any Forcible Entry is made into Lands,”</p> <p>So much only of this Statute is in Force, as relates to Forcible Entry and Detainer, or either of them.</p> <p>To be incorporated.</p> |
| id. 437 | 2 Henry 4
Chap. 7 | <p>“In what Case the Plaintiff shall not be nonsuit, if the Verdict pass against him.”</p> <p>To be incorporated.</p> |

*Book & Page. Year & Reign.**Titles of the Statutes.*

1 Ruffhead 446	4 Henry 4 Chap. 4	“ The Disseise shall have an Assize against the Disseisor taking the Profits.” To be incorporated.
id. 460	5 Henry 4 Chap. 14	“ Inrolling of Writs in the Common Pleas, whereupon Fines be levied.” That part only of this Statute is in Force, which directs, that all the Writs of Cove- nant, and all other Writs whereupon Fines shall be levied, with the Writs of dedimus potestatem, if any, with all knowledges and notes of the same, shall be inrolled in a Roll, to be of record forever. To be incorporated.
id. 483	1 Henry 5 Chap. 5	“ In which original Writs Additions of the Defendant's Name shall be put.” So much of this Statute is in Force, as re- quires an addition of the Defendant's estate, or degree, or mystery, and of the county in which the Defendant is, or in which he is conversant. To be incorporated.
id. 513	9 Henry 5 Chap. 4	“ The Justices may amend Defaults in Re- cords or Procefs, after Judgment given.” To be incorporated.
id. 534	4 Henry 6 Chap. 3	“ Justices, in certain Cases, may amend their Records according to former Statutes.” To be incorporated.
id. 545	8 Henry 6 Chap. 9	“ The Duty of Justices of Peace, where Land is entered upon or detained with Force.” To be incorporated.
id. 550	8 Henry 6 Chap. 12	“ No Judgment or Record shall be re- versed, for any Writ, Procefs, &c. rased. What Defects in Records may be amended by the Judges, and what not.” Only the 1st and 2d Sections of this Sta- tute are in Force. To be incorporated.
id. 553	8 Henry 6 Chap. 15	“ The Justices may, in certain Cases, amend Defaults in Records.” To be incorporated.

<i>Book & Page.</i>	<i>Year & Reign.</i>	<i>Titles of the Statutes.</i>
1 Ruffhead 557	8 Henry 6 Chap. 29	“ An Inquest shall be, de medietate lin- guæ, where an Alien is Party.” Not to be incorporated.
id. 569	11 Henry 6 Chap. 2	“ The Penalty where a Sheriff is named a Diffeisor in an Affize.” To be incorporated.
id. 569	11 Henry 6 Chap. 3	“ An Affize, &c. maintainable against the Pernor of the Profits.” To be incorporated.
id. 571	11 Henry 6 Chap. 5	“ The Remedy, where a Tenant granteth over his Estate, taketh the Profits, and com- mitteth Waste.” To be incorporated.
2 Ruffhead 56	1 Richard 3 Chap. 7	“ Who shall be bound by a Fine levied before the Justices of the Common Pleas, and Proclamations made thereon.” This Statute is in Force, except such parts as are altered by the Statute of 31st of Elizabeth, Chap. 2 To be incorporated.
id. 68	3 Henry 7 Chap. 1	“ The Authority of the Court of Star- chamber. Where one Inquest shall enquire of the Concealment of another. A Coro- ner's Duty, after a Murder committed. A Justice of Peace shall certify his Recogni- fances, &c.” Only those parts of this Statute are in Force, which are distinguished by the Nam- bers from 6 to 19, both inclusive, and by the Number 26. To be incorporated.
id. 69	3 Henry 7 Chap. 3	“ Justices of Peace may let Prisoners to Bail. The Sheriff shall certify the Names of all his Prisoners, at the Goal-delivery.” Only that part of this Statute is in Force, which is distinguished by the Number 5. To be incorporated.
id. 70	3 Henry 7 Chap. 4	“ All Deeds of Gift, made to defraud Creditors, shall be void.” To be incorporated.
id. 72	3 Henry 7 Chap. 10	“ Costs, &c. awarded to the Plaintiff, where the Defendant sueth a Writ of Error.” To be incorporated.

*Book & Page. Year & Reign.**Titles of the Statutes.*

2 Ruffhead 78	4 Henry 7 Chap. 20	“ Actions Popular, prosecuted by Collu- sion, shall be no Bar to those which be pur- sued with good Faith.” To be incorporated.
id. 79	4 Henry 7 Chap. 24	“ How often a Fine levied in the Com- mon Pleas shall be read and proclaimed, and who then shall be bound thereby.” To be incorporated.
id. 85	11 Henry 7 Chap. 12	“ A Mean to help and speed poor Persons in their Suits.” To be incorporated.
id. 89	11 Henry 7 Chap. 20	“ Certain Alienations made by the Wife, of the Lands of her deceased Husband, shall be void.” To be incorporated.
id. 105	19 Henry 7 Chap. 20	“ Writs of Error.” To be incorporated.
id. 120	5 Henry 8 Chap. 6	“ An Act concerning Surgeons, to be dis- charged of Quests and other things.” So much only of this Statute is in Force, as discharges Surgeons from Service on Ju- ries. To be incorporated.
id. 126	7 Henry 8 Chap. 4	“ An Act concerning Avowries for Rents and Services.” This Statute is in Force, except those parts that relate to Writs of Quare impedit, and Advowsons. To be incorporated.
id. 137	21 Henry 8 Chap. 3	“ Plaintiffs in Assize, may abridge their Plaints.” To be incorporated.
id. 138	21 Henry 8 Chap. 5	“ What Fees ought to be taken for Pro- bate of Testaments.” That part only of this Statute is in Force, which relates to the Persons to whom Admi- nistration is to be granted. To be incorporated.
id. 141	21 Henry 8 Chap. 7	“ Servants embezzling their Master’s Goods, to the Value of forty Shillings, or above, shall be punished as Felons.”

<i>Book & Page. Year & Reign.</i>	<i>Titles of the Statutes.</i>
2 Ruffhead 21 Henry 8 141 Chap. 7	This Statute, after having been repealed, was revived, by the Statute of 5th Eliza- beth, Chap. 10. To be incorporated.
id. 147 21 Henry 8 Chap. 15	" Fermors shall enjoy their Leafes, against Recoveries by feigned Titles, &c." To be incorporated.
id. 173 23 Henry 8 Chap. 15	" An Act, that the Plaintiff being non- sued, shall yield Damages to the Defend- ant, in Actions personal, by the Discretion of the Justices." To be incorporated.
id. 176 24 Henry 8 Chap. 1	" An Act where Defendant shall not re- cover any Costs." Not to be incorporated.
id. 226 27 Henry 8 Chap. 10	" An Act concerning Uses and Wills." Only the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th, and 10th Sections of this Statute are in Force. To be incorporated.
id. 261 31 Henry 8	" For Jointenants and Tenants in com- mon." To be incorporated.
id. 277 32 Henry 8 Chap. 5	" For the Continuation of Debts upon Execution." To be incorporated.
id. 291 32 Henry 8 Chap. 28	" Lessees to enjoy the Farm against Te- nants in Tail." This Statute is in Force, except the 4th, 5th, and 8th Sections. To be incorporated.
id. 293 32 Henry 8 Chap. 30	" Mifpleadings. Jeofails." This Statute is in Force, except the 2d and 3d Sections. To be incorporated.
id. 294 32 Henry 8 Chap. 32	" Jointenants for Term of Life or Years." To be incorporated
id. 294 32 Henry 8 Chap. 33	" An Act that wrongful Disseisin is no Descent in Law." To be incorporated.

*Book & Page. Year & Reign.**Titles of the Statutes.*

2 Ruffhead 294	32 Henry 8 Chap. 34	“ Concerning Grantees of Réversions, to take Advantage of the Conditions to be performed by Lessees.” This Statute is in Force, except such parts as relate to the King of England and his Grantees. To be incorporated.
id. 296	32 Henry 8 Chap. 36	“ For the Exposition of Fines.” This Statute is in Force, except the 3d and 4th Sections. To be incorporated.
id. 297	32 Henry 8 Chap. 37	“ For Recovery of Arrearages of Rents, by Executors of Tenant in Fee Simple.” This Statute is in Force, except the 2d Section. To be incorporated.
id. 375	37 Henry 8 Chap. 8	“ The Act, that any Indictment lacking these Words, <i>vi & armis</i>, shall be good.” This Act is in Force, except the 2d Section. To be incorporated.
id. 422	2 & 3 Edward 6 Chap. 24	“ An Act for Trial of Murders and Felonies committed in several Counties.” To be incorporated.
id. 461	1 Mary, Session 2 Chap. 7	“ An Act touching Proclamations upon Fines.” To be incorporated.
id. 484	1 & 2 Philip and Mary Chap. 12	“ An Act for the impounding of Distresses.” Only the first Section of this Statute is in Force. To be incorporated.
id. 484	1 & 2 Philip and Mary Chap. 13	“ An Act concerning Bailment of Persons.” The 2d, 3d, 4th, and 5th Sections only are in Force. To be incorporated.
id. 493	2 & 3 Philip and Mary Chap. 10	“ An Act to take the Examination of Prisoners, suspected of any Manslaughter or Felony.” To be incorporated.
id. 549	5 Elizabeth Chap. 9	“ An Act for Punishment of such as shall procure or commit any wilful Perjury.”

<i>Book & Page.</i>	<i>Year & Reign.</i>	<i>Titles of the Statutes.</i>
2 Ruffhead 549	5 Elizabeth Chap. 9	This Statute is in Force, except the 10th, 11th, 12th, and 13th Sections, which are inapplicable to this Commonwealth, and except the Punishment by Imprisonment and paying of Money, which is altered by our Act of Assembly for reforming the Penal Laws. To be incorporated.
id. 571	8 Elizabeth Chap. 2	“ An Act for avoiding of wrongful Vexation, touching the Writ of Latitat.” Only the 1st, 2d, 4th, and 5th Sections of this Statute are in Force. To be incorporated.
id. 588	13 Elizabeth Chap. 5	“ An Act against fraudulent Deeds, Alienation, &c.” To be incorporated.
id. 607	14 Elizabeth Chap. 8	“ An Act for the avoiding of Recoveries, suffered by Collusion by Tenants, for Term of Life, and such others.” To be incorporated.
id. 621	18 Elizabeth Chap. 14	“ An Act for Reformation of Jeofails ” This Statute is in Force, except the 3d Section. To be incorporated.
id. 626	23 Elizabeth Chap. 3	“ An Act for the Reformation of Errors in Fines and Recoveries.” This Statute is in Force, except the 6th, 7th, 8th, 9th, and 10th Sections. To be incorporated.
id. 636	27 Elizabeth Chap. 4	“ An Act against covinous and fraudulent Conveyances.” This Statute is in Force, except the 7th, 8th, 9th, 10th, 11th, and 12th Sections. To be incorporated.
id. 638	27 Elizabeth Chap. 5	“ An Act for Furtherance of Justice, in case of Demurrer and Pleadings.” To be incorporated.
id. 659	31 Elizabeth Chap. 2	“ An Act for abridging of Proclamations upon Fines, to be levied at the Common Law.” To be incorporated.

<i>Book & Page.</i>	<i>Year & Reign.</i>	<i>Titles of the Statutes.</i>
2 Ruffhead 668	31 Elizabeth Chap. 11	“ An Act of Explanation or Declaration of the Statute of Octavo Regis Henrici 6th, concerning Forcible Entries, the Indictments thereupon found.” To be incorporated.
id. 712	43 Elizabeth Chap. 8	“ An Act against fraudulent Administra- tion of Intestate's Goods.” To be incorporated.
3 Ruffhead 52	3 James 1 Chap. 8	“ An Act to avoid unnecessary Delays of Execution.” To be incorporated.
id. 68	4 James 1 Chap. 3	“ An Act to give Costs to the Defendant, upon a Nonsuit of the Plaintiff, or Verdict against him.” To be incorporated.
id. 99	21 James 1 Chap. 13	“ An Act for the further Reformation of Jeofails.” To be incorporated.
id. 100	21 James 1 Chap. 15	“ An Act to enable Judges and Justices of the Peace to give Restitution of Possession, in certain Cases.” To be incorporated.
id. 111	21 James 1 Chap. 24	“ An Act for the Relief of Creditors, against such Persons as die in Execution.” To be incorporated.
id. 192	12 Charles 2 Chap. 24	“ An Act for taking away the Court of Wards and Liveries, and Tenures by Capite, and by Knight's Service, and Purveyance, and for settling a Revenue on his Majesty, in Lieu thereof.” Only the 8th and 9th Sections of this are in Force. To be incorporated.
id. 215	13 Charles 2 Stat. 2 C. 2	“ An Act for the Prevention of Vexations and Oppressions by Arrests, and of Delays in Suits of Law.” This Statute is in Force, except certain parts which have a local Object, and are therefore inapplicable to this Commonwealth, and certain other parts, which are altered by our Acts of Assembly, or the Practice of our Courts. To be incorporated.

- Ruffhead 16 and 17
293 Charles 2
Chap. 8 " An Act to prevent Arrests of Judgment,
and superseding Executions."
This Statute is in Force, subject to the
same Exceptions as were mentioned, with
relation to the Statute of 13th Charles 2d.
Stat. 2d. Chap. 2.
To be incorporated.
-
- 299 17 Charles 2
Chap. 8 " An Act for avoiding unnecessary Suits
and Delays."
To be incorporated.
-
- 313 19 Charles 2
Chap. 6 " An Act for Redress of Inconveniences,
by Want of Proof of the Deceases of Per-
sons beyond the Seas, or absenting them-
selves, upon whose Lives Estates do depend."
To be incorporated.
-
- 357 22 and 23
Charles 2
Chap. 9 " An Act for laying Impositions on Pro-
ceedings at Law."
All that is unexpired of this Statute; that
is to say, the 136th Section, " for Preven-
tion of trivial and vexatious Suits in Law,"
is in Force.
To be incorporated.
-
- 394 30 Charles 2
Chap. 7 " An Act to enable Creditors to recover
their Debts of the Executors and Admini-
strators of Executors in their own Wrong."
To be incorporated.
-
- 527 4 & 5 Willi-
am & Mary
Chap. 21 " An Act for delivering Declarations to
Prisoners."
To be incorporated.
-
- 642 8 & 9 Willi-
am 3
Chap. 11 " An Act for the better preventing of fri-
volous and vexatious Suits."
To be incorporated.
-
- 697 9 & 10 Wil-
liam 3
Chap. 15 " An Act for determining Differences, by
Arbitration."
To be incorporated.
-
- Ruffhead 10 and 11
4 William 3
Chap. 16 " An Act to enable posthumous Children
to take Estates, as if born in their Father's
Lifetime."
To be incorporated.
-
- 43 11 and 12
William 3
Chap. 6 " An Act to enable his Majesty's natural-
born Subjects, to inherit the Estate of their
Ancestors, either lineal or collateral, not-

*Book & Page: Year & Reign.**Titles of the Statutes.*

4 Ruff head 43	11 and 12 William 3 Chap. 6	withstanding their Father or Mother were Aliens." To be incorporated.
id. 180	3 & 4 Ann Chap. 9	" An Act for giving like Remedy upon Promissory Notes, as is now used upon Bills of Exchange, and for the better Payment of inland Bills of Exchange." The 1st, 3d, 4th, and 8th Sections of this Statute are in Force. To be incorporated.
id. 205	4 Ann Chap. 16	" An Act for the Amendment of the Law, and the better Advancement of Justice." The first 13 Sections, and the 20th and 27th Sections, of this Statute are in Force. To be incorporated.
5 Ruff head 201	5 George 1 Chap. 13	" An Act for the Amendment of Writs of Error, and for the preventing the arresting or reversing of Judgments, after Verdict." To be incorporated.
6 Ruff head 167	7 George 2 Chap. 20	" An Act for the more easy Redemption and Foreclosure of Mortgages." The 1st and 3d Sections of this Statute are in Force. To be incorporated.
id. 296	11 George 2 Chap. 19	" An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants." The 14th and 15th Sections of this Statute are in Force. To be incorporated.

There are several Statutes, called Statutes of *Mortmain*; one of which ("the Statute de Religiosis") was passed in the 7th year of Edward 1st, Statute the 2d; another, in the 13th year of Edward the 1st, Chap. 32; another, in the 15th year of Richard the 2d, Chap. 5; and another in the 23d year of Henry the 8th, Chap. 10. These Statutes are in part inapplicable to this Country, and in part applicable, and in Force. They are so far in Force, that all Conveyances, either by Deed or Will, of Lands, Tenements, or Hereditaments, made to a Body Corporate, or for the use of a Body Corporate, are void, unless sanctioned by Charter, or Act of Assembly. So also are all such Conveyances void, made either to an Individual, or to any number of Persons associated, but not incorporated, if the said Conveyances are for uses or purposes of a *superstitious* Nature, and not calculated to promote Objects of Charity or Utility.

To be incorporated.

WM. TILGHMAN,
J. YEATES,
THOMAS SMITH,
H. H. BRACKENRIDGE.

Dec. 14, 1808.